

PMC-ND

(1.08.09.13)

**U.S. DEPARTMENT OF ENERGY  
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY  
NEPA DETERMINATION**

**RECIPIENT:** Pacific Ocean Energy Trust**STATE:** OR**PROJECT TITLE:** Network Director for the TEAMER Program

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
	DE-EE0008895	GFO-0008895-005	GO8895

**Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:**

**CX, EA, EIS APPENDIX AND NUMBER:**

Description:

**A9 Information gathering, analysis, and dissemination** Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)

**A11 Technical advice and assistance to organizations** Technical advice and planning assistance to international, national, state, and local organizations.

**B3.16 Research activities in aquatic environments** Small-scale, temporary surveying, site characterization, and research activities in aquatic environments, limited to: (a) Acquisition of rights-of-way, easements, and temporary use permits; (b) Installation, operation, and removal of passive scientific measurement devices, including, but not limited to, antennae, tide gauges, flow testing equipment for existing wells, weighted hydrophones, salinity measurement devices, and water quality measurement devices; (c) Natural resource inventories, data and sample collection, environmental monitoring, and basic and applied research, excluding (1) large-scale vibratory coring techniques and (2) seismic activities other than passive techniques; and (d) Surveying and mapping. These activities would be conducted in accordance with, where applicable, an approved spill prevention, control, and response plan and would incorporate appropriate control technologies and best management practices. None of the activities listed above would occur within the boundary of an established marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity, unless authorized by the agency responsible for such refuge, sanctuary, or area (or after consultation with the responsible agency, if no authorization is required). If the proposed activities would occur outside such refuge, sanctuary, or area and if the activities would have the potential to cause impacts within such refuge, sanctuary, or area, then the responsible agency shall be consulted in order to determine whether authorization is required and whether such activities would have the potential to cause significant impacts on such refuge, sanctuary, or area. Areas of high biological sensitivity include, but are not limited to, areas of known ecological importance, whale and marine mammal mating and calving/pupping areas, and fish and invertebrate spawning and nursery areas recognized as being limited or unique and vulnerable to perturbation; these areas can occur in bays, estuaries, near shore, and far offshore, and may vary seasonally. No permanent facilities or devices would be constructed or installed. Covered actions do not include drilling of resource exploration or extraction wells.

**B3.6 Small-scale research and development, laboratory operations, and pilot projects** Siting, construction, modification, operation, and decommissioning of facilities for smallscale research and development projects; conventional laboratory operations (such as preparation of chemical standards and sample analysis); and small-scale pilot projects (generally less than 2 years) frequently conducted to verify a concept before demonstration actions, provided that construction or modification would be within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

**B5.15 Small-scale renewable energy research and development and pilot projects** Small-scale renewable energy research and development projects and small-scale pilot projects, provided that the projects are located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

**Rationale for determination:**

The U.S. Department of Energy (DOE) is proposing to provide federal funding to the Pacific Ocean Energy Trust (POET) to administer the Testing and Access for Marine Energy Research (TEAMER) program. The primary objective of TEAMER is to provide marine hydrokinetic (MHK) technology developers access to a network of United States based testing facilities which provide testing and modeling expertise. Access would be provided through competitively awarded funds awarded under TEAMER and administered by POET. POET would be advised by a Technical Board which would include representatives from DOE, DOE National Labs, and National Marine Renewable Energy Centers. There would be up to nine funding cycles.

The proposed project would be divided into 4 tasks. DOE previously completed four NEPA reviews for tasks 1, 2, and subtask 3.1 (GFO-0008895-001 CX A9; 11/14/2019) for subtasks 3.2, 3.3.1 to 3.3.9, 3.4 and task 4 (GFO-0008895-002 CX A9, B3.6; 07/22/2020; GFO-0008895-004 CX A9, B3.6; 11/04/2020) including the identification of and approval of 24 research facilities to conduct research and testing, and, for specific Technical Support Recipients under subtask 3.3.1 (GFO-0008895-003 CX A9, B3.6; 10/22/2020). This review is for additional proposed research facilities under task 3.2, specifically for three in water testing facilities.

If additional facilities are identified to offer technical assistance, or type of assistance is modified a new NEPA review must be completed regarding those proposed changes.

The three in water testing facilities identified by POET are:

1. The Marine and Coastal Research Laboratory (MCRL). MCRL is a U.S. Department of Energy, Pacific Northwest National Laboratory (PNNL) facility located at Sequim Bay, WA. MCRL has federal authorizations and permits for research activities at two locations in the Strait of Juan de Fuca. In addition, PNNL and the Energy Efficiency and Renewable Energy office, have previously engage in a Programmatic Consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), regarding impacts to Endangered Species Act listed species and their habitats for proposed in water work to be conducted at Sequim Bay. NMFS and USFWS both concurred that all proposed work would Not Likely Adversely Affect listed species and their habitats. All work proposed to be conducted at MRLS would be required to be of the type of work identified in the MCRL work plan submitted with this NEPA review and described within the consultation documents.

2. The Tanana River Test Site (TRTS). The TRTS is a University of Alaska Fairbanks testing facility located on the Tanana River in Nenana, Alaska. The University has state and federal authorizations and permits for research activities at TRTS. There are no listed species or habitats at TRTS. All work proposed to be conducted at TRTS would be required to be of the type of work identified in the TRTS work plan submitted with this NEPA review.

3. The University of Washington (UW), Russel Davis Light (RDL). The RDL is a UW research vessel located in Lake Washington, near Seattle, WA. The RDL conducts in water research primarily by lowering devices in the water behind the vessel and/or towing devices behind the vessel. There are no ESA listed species within Lake Washington between July 16 – March 15. As such, DOE finds that research conducted under this program would have No Effect on listed species as long as the research is conducted between July 16 – March 15. All work proposed to be conducted in Lake Washington would be required to be of the type of work identified in the UW work plan submitted with this NEPA review and would be required to occur between July 16 and March 15.

All facilities identified above are preexisting research facilities that regularly engage in the kind of research proposed for this award. No new permits or modifications to facilities would be needed. Existing university, corporate, and Federal health and safety procedures would be followed at all times during all in water work and experiments.

Any work proposed to be conducted at a federal facility may be subject to additional NEPA review by the cognizant federal official and must meet the applicable health and safety requirements of the facility.

**NEPA PROVISION**

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

All tasks are approved, however selection of technical assistance recipients is subject to additional NEPA review. All selections of technical assistance recipients made under Subtask 3.3.1 to 3.3.9 will be subject to additional NEPA review and must receive approval from the Contracting Officer prior to any work being completed on those projects.

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

Include the following condition in the financial assistance agreement:

All selections made under Subtask 3.3.1 to 3.3.9 will be subject to additional NEPA review prior to any work being completed on those projects.

All work must be completed by pre-approved facilities identified in subtask 3.2 and listed here or in previous NEPA determinations, and must be the type of work reviewed and approved in the signed NEPA determination(s), as described in facility test plans, and within approved time periods, if appropriate. Inclusion of additional facilities would require additional NEPA review of those facilities. Approved facilities include:

1. The Marine and Coastal Research Laboratory (MCRL).
2. The Tanana River Test Site (TRTS).
3. The University of Washington, Russel Davis Light.

Notes:

Water Power Technologies Office  
 This NEPA determination does require a tailored NEPA provision.  
 Review completed by Roak Parker, 03/30/2021

#### FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

#### SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:

 Electronically Signed By: **Roak Parker**

NEPA Compliance Officer

Date: 3/30/2021

#### FIELD OFFICE MANAGER DETERMINATION

- Field Office Manager review not required  
 Field Office Manager review required

#### BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

